



CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street, Orem, Utah  
September 23, 2014

*This meeting may be held electronically  
to allow a Councilmember to participate.*

**4:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

1. UPDATE – Victim Services
2. UPDATE – Master Plans – Automated Meter Reader

**5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

PREVIEW UPCOMING AGENDA ITEMS

3. Staff will present to the City Council a preview of upcoming agenda items.

AGENDA REVIEW

4. The City Council will review the items on the agenda.

CITY COUNCIL - NEW BUSINESS

5. This is an opportunity for members of the City Council to raise issues of information or concern.

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

6. MINUTES of Special City Council Meeting – September 3, 2014
7. MINUTES of City Council Meeting – September 9, 2014

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**  
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,  
please call the City Recorder's Office at least 3 working days prior to the meeting.  
(Voice 229-7074)

This agenda is also available on the City's Internet webpage at [orem.org](http://orem.org)

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

**8. UPCOMING EVENTS**

**9. APPOINTMENTS TO BOARDS AND COMMISSIONS**

CDBG Advisory Commission .....1 vacancy  
Library Advisory Commission .....1 vacancy  
Transportation Advisory Commission.....1 appointment  
Recreation Allocation Advisory Commission .....7 vacancies

**10. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**

CITY MANAGER’S APPOINTMENTS

**11. APPOINTMENTS TO BOARDS AND COMMISSIONS**

The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

- 12. Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (*Please limit your comments to 3 minutes or less.*)**

CONSENT ITEMS

- 13. There are no consent items.**

SCHEDULED ITEMS

**6:20 P.M. PUBLIC HEARING**

- 14. ORDINANCE – Amending Section 22-6-10(G)(14) of the City Code pertaining to conditional uses in historic homes in residential zones**

**RECOMMENDATION:** Staff recommends the City Council continue the public hearing concerning this request to the October 14, 2014, City Council meeting.

*PRESENTER: Jason Bench*

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: This application was presented to the Planning Commission at its meeting on September 3, 2014 and the Planning Commission continued the item to its next scheduled meeting on September 17, 2014. The applicant is working with Staff to revise their request and would bring the item back to the City Council meeting on October 14, 2014.

**6:20 P.M. PUBLIC HEARING**

- 15. ORDINANCE – Amending Section 22-11-46(G)(4) of the City Code pertaining to minimum lot size in the PD-33 (Transit Oriented Development) zone at 800 South Geneva Road**

**RECOMMENDATION: The Planning Commission recommends the City Council amend, by ordinance, Section 22-11-46(G)(4) of the Orem City Code pertaining to the minimum lot size in the PD-33 zone at 800 South Geneva Road.**

*PRESENTER: Jason Bench*

**POTENTIALLY AFFECTED AREA: Sunset Heights West**

**BACKGROUND:** The PD-33 zone was approved in 2013 as a transit oriented development (TOD). A TOD is a development that includes a mixture of housing, office and/or retail and other amenities integrated into a walkable neighborhood and located within walking distance of public transportation.

The PD-33 zone contains two separate areas--Area A and Area B. Area A is located on the east side of the zone and near the intermodal hub. Area A is identified as residential only with a minimum lot size of three acres. Area B is located along Geneva Road and is identified as residential or commercial with a minimum lot size of 1.5 acres.

Area A is comprised primarily of the four easternmost lots shown on the map below. Each of these four lots is approximately one acre in size and one hundred feet in width. Area A is unique because it is the only residential property in the City that is truly within walking distance of the intermodal station. The three acre minimum lot requirement for Area A was originally implemented to encourage a unified development in Area A that would maximize the density and quality of development in that area. There was concern that if Area A were developed in smaller parcels it might lead to a less harmonious and less efficient development.

The property owners of Area A received an offer from a developer to purchase their property. The two easternmost lot owners and the fourth lot from the east wanted to accept the offer, but the third property owner was not willing to accept the offer. As a result, the two easternmost and the fourth lot owner are unable to develop their property because they cannot meet the three acre minimum development requirement.

The two easternmost lot owners have submitted a request to amend the PD-33 zone to allow a minimum development size of 1.5 acres. This would allow them to proceed with development of their lots without the participation of the third lot owner. The applicants believe that Area A and Area B should be treated the same with respect to minimum lot size.

There is an obvious advantage to the applicants' proposal in that it would make it much easier for property owners to assemble 1.5 acres and move forward with development. It

also reduces the possibility of one property owner holding other owners “hostage” because of an owner’s unwillingness to accept an offer that is acceptable to the others.

However, there are also disadvantages to reducing the minimum development size to 1.5 acres. Development in smaller parcels makes it less likely that development of Area A will occur in conformance with the concept plan. The concept plan shows how a building and streets should be laid out as well as areas that should be landscaped.

If the minimum development area is reduced to 1.5 acres, the two easternmost property owners could potentially submit a site plan consisting of only 1.5 of their combined two acres. They could potentially construct a building that is smaller and contains fewer residential units than originally contemplated. They would likely not install the east-west street that runs through Area A because they would not control the area needed and because they would seek access from 950 South. They would also not install the north-south street that runs between Area A and Area B because it wouldn’t be included within their site plan and they would not need it for access to their project. They might also carve out one-quarter acre lots adjacent to 800 South with their existing houses from the development thereby converting development in the PD-33 zone from redevelopment to “infill.” Excluding these remnant lots from the development would also mean that they would not be required to maintain landscaping along the frontage of 800 South which would also be contrary to the concept plan.

An independent development of the two easternmost lots would also make it difficult, if not impracticable for the next two lots to the west to develop in accordance with the concept plan. The third lot is only 100 feet wide and would likely be difficult to develop independently with a building and required parking. In the concept plan, the fourth lot is largely taken up by the north-south road and can’t be developed by itself. The fourth lot owner would obviously have no incentive to install this road if it doesn’t have to be combined with other parcels and thus, allowing smaller development parcels might delay or prevent this north-south road from ever being built.

In sum, while reducing the required development area in Area A to 1.5 acres would provide an immediate advantage to the two easternmost property owners and would prevent them from being held hostage by another property owner, it would also likely reduce the quality of the overall development in Area A and may prevent Area A from ever being fully developed as shown in the concept plan.

The proposed amendment requested by the applicants is shown as follows:

22-14-16(G)

4. Lot Size. The minimum lot size for any development in Area A or Area B shall be one and one-half (1.5) acres.

#### **6:30 P.M. PUBLIC HEARING**

- 16. ORDINANCE – Amending Section 22-5-3(A) and the zoning map of Orem City by rezoning approximately 6.96 acres from the R20 zone to the PD-18 zone at 1450 South Carterville Road**

**RECOMMENDATION:** The Planning Commission and Staff recommend the City Council amend, by ordinance, Section 22-5-3(A) and the zoning map of the City by changing the zone from the R20 zone to the PD-18 zone on approximately 6.96 acres at 1450 South Carterville Road.

*PRESENTER: Jason Bench*

POTENTIALLY AFFECTED AREA: Hillcrest

**BACKGROUND:** The applicant and his family own several lots of record adjacent to both Carterville Road and private roads in the PD-18 zone. The current R20 zone permits the owners to develop single-family lots with a minimum size of 20,000 square feet.

The applicant requests their property be changed from the R20 zone to the PD-18 zone which is adjacent to the north and east of the subject property. The PD-18 zone is also known as the Berkshires. The PD-18 zone requires a minimum lot size of 21,780 square feet versus 20,000 square feet in the R20 zone. Setbacks and maximum building height are also greater in the PD-18 zone. Guest houses are permitted in the PD-18 zone, but not in the R20 zone.

Because this property is adjacent to the PD-18 zone and has frontage along 1080 East and 1450 South (private roads in the PD-18 zone) the owner feels the best use of the property is to extend the boundary of the PD-18 zone. The Sykes development will become part of the home owner's association of the Berkshires.

**Advantages**

- Extends the PD-18 zone (Residential Estate Zone, The Berkshires)
- Higher standards beyond the R20 zone will be implemented
- Access will be provided internally from private streets and not from Carterville Road

**Disadvantages**

None identified

**17. RESOLUTION - Request for Conditional Use Permit for a Verizon Wireless telecommunications monopole at 1545 South State Street in the C2 zone**

**RECOMMENDATION:** The Planning Commission and Staff recommend the City Council approve a conditional use permit to locate a Verizon Wireless telecommunications monopole at 1545 South State Street in the C2 zone with the condition that the monopole contains at least two additional co-location spaces.

*PRESENTER: Jason Bench*

POTENTIALLY AFFECTED AREA: Hillcrest

**BACKGROUND:** The applicant proposes to locate a 110 foot tall wireless telecommunication monopole and an 11' x 25' equipment shelter at approximately 1545

South State Street in the C2 zone. A monopole in excess of 75 feet requires a conditional use permit.

Section 22-13-9 of the City Code outlines priority locations and types of structures for wireless monopoles. That section is set forth at the end of this agenda summary for reference. The first priority is to place antennas on existing buildings or structures if possible. However, this option doesn't work for the applicant because there are no available buildings in the area needed by the applicant that are high enough to provide the coverage needed.

The first priority also includes co-location on existing monopoles. The nearest existing towers are 1,300 feet to the north and 1,200 feet to the south. The tower to the south has room for co-location at 69 feet but is too low to provide the coverage Verizon desires. The tower to the north has a conflict with existing Verizon rooftop mounted antennae on the Squire building 1,400 feet to the east. The proximity of this monopole to the roof mounted antennae causes too great of an overlap in coverage.

The second priority is to locate a monopole on City-owned property. The nearest City-owned property is Cherry Hill Park which is 2,400 feet to the Southwest. However, applications to install monopoles in parks near residential neighborhoods have not been well received recently. In 2005, Verizon applied for a conditional use permit to locate a monopole in Bonneville Park at 800 West 1600 North and was denied by the City Council by a vote of 6-0. Also in 2005, T-Mobile applied to locate a tower at Cherry Hill Elementary, but withdrew their application after opposition by neighbors at the Planning Commission meeting. Staff feels that opposition to a monopole at Cherry Hill Park would be similar at this time.

In addition, the applicant's study indicated that even if a monopole were located in Cherry Hill Park, the demand on the stealth antennae at the Squire building would not be reduced and Verizon would still need an additional monopole in the south State Street area.

The third priority and that for which the applicant is seeking approval, is a monopole on private property. The location desired by the applicant is located at 1545 South State Street on the Sushi Ya restaurant property immediately north of Miracle Bowl.

The applicant has the burden to show how their proposed site conforms to the requirements of the City Code. According to the applicant, there are no adequate first or second priority locations and the proposed State Street location is needed to achieve their desired coverage and to reduce the load from the roof-mounted antennas at the Squire building at 800 East University Parkway. The height of the tower will also permit co-location of at least two other carriers.

If the City Council grants the request for a conditional use permit, the Council may place conditions on the approval to help mitigate any negative impacts the use may create. The Planning Commission recommends the request be approved with the condition that space for at least two additional carriers be maintained on the tower. Requiring space for additional providers should reduce or eliminate the need for additional towers in the area. At the proposed height of 110 feet, additional co-location of at least two carriers does not appear to be a substantial burden on the applicant.

The priority order as set forth in Section 22-13-9 of the City Code is as follows:  
SECTION 22-13-9

**LOCATION AND TYPE PRIORITY**

A. **Priority of Antenna Site Locations.** Wireless facilities shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to site antennas in the following order of priority:

1. **Existing Structures or Stealth Facilities.** First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
  - a. **Existing Structures.** Lawfully existing buildings, structures and antenna support structures, provided that the buildings, structures or support structures are: (1) located in a nonresidential zone, or (2) located in a residential zone on property that is being used for nonresidential uses (e.g. government, school or church), or (3) located in a residential zone on a property that is being used for a multifamily residential building having eight (8) or more dwelling units; or
  - b. **Stealth Facilities.** Antennas certified as stealth facilities as set forth in this ordinance.
2. **Monopoles on City-owned Property.** Monopoles constructed on City-owned property.
3. **Monopoles on Nonresidential Private Property.** Monopoles constructed on private property, provided that the private property is (1) located in a nonresidential zone, or (2) located in a residential zone on property that is used for a nonresidential use (e.g. government, school or church).
4. **Other.** Any combination of antenna type and location other than those listed above.

**ADJOURN TO A REDEVELOPMENT AGENCY OF THE CITY OF OREM MEETING.**  
*The City Council meeting will reconvene following the Redevelopment Agency meeting.*

18. **ORDINANCE - Approve and adopt the University Place Community Development Project Area Plan, as approved by the Redevelopment Agency of the City of Orem, Utah, as the official Community Development Project Area Plan for the University Place Community Development Project Area and directing notice of said adoption be given as required by statute**

**RECOMMENDATION: The Economic Development Division Manager recommends that the City Council, by ordinance, approve and adopt the University Place Community Development Project Area Plan, as approved by the Redevelopment Agency of the City of Orem, Utah, as the official Community Development Project Area Plan for the University Place Community Development Project Area and directing notice of said adoption be given as required by statute.**

**PRESENTER:** *Ryan Clark*

**POTENTIALLY AFFECTED AREA:** Citywide

**BACKGROUND:** The University Place Community Development Area (CDA) and its subsequent Draft Project Area Plan contemplate and facilitate the redevelopment of the University Mall property located at 575 East University Parkway and redevelopment of surrounding properties. University Place is a master planned mixed use redevelopment that adds class "A" office, additional retail, a new park, residential, and additional infrastructure to an already successful regional retail shopping mall.

It is estimated that the following development will be constructed as part of the University Place revitalization project.

- 400,000 SF new retail (Less 175,000 SF of existing retail to be demolished)
- 700,000 SF new office
- 1,250,000 SF new multifamily residential
- 70,000 SF new hotel

Tax Increment arising from the development of the Project may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

Adoption of the Draft Project Area Plan will assist the City of Orem with business attraction and expansion, new job growth, increased tax revenues, and is anticipated to act as a catalyst to future development and re-investment in the surrounding area.

**19. RESOLUTION - Approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and the City of Orem.**

**RECOMMENDATION: The Economic Development Division Manager recommends that the City of Orem, by resolution, approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and the City of Orem.**

**BACKGROUND:** The City of Orem desires to enter into this agreement with the Redevelopment Agency of the City of Orem to remit a portion of property tax increment generated within the University Place Community Development Area back to the Agency. Tax Increment arising from the development of the Project may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

COMMUNICATION ITEMS

**20. Monthly Financial Summary – August 2014**

CITY MANAGER INFORMATION ITEMS

**21. This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURNMENT